

CREDENTIALS.

Mr. THURMAN presented the credentials of Stanley Matthews, elected by the Legislature of the State of Ohio a Senator from that State to fill the vacancy caused by the resignation of John Sherman. The credentials were read; and, the oaths prescribed by law having been administered to Mr. MATTHEWS, he took his seat in the Senate.

Mr. WALLACE presented the credentials of James Donald Cameron, elected by the Legislature of the State of Pennsylvania a Senator from that State to fill the vacancy caused by the resignation of Simon Cameron.

The credentials were read; and, the oaths prescribed by law having been administered to Mr. CAMERON, he took his seat in the Senate.

Mr. COCKRELL presented the credentials of David H. Armstrong, appointed by the governor of the State of Missouri a Senator from that State to fill, until the next meeting of the Legislature thereof, the vacancy caused by the death of Lewis V. Boggy.

The credentials were read; and, the oaths prescribed by law having been administered to Mr. ARMSTRONG, he took his seat in the Senate.

HOUR OF MEETING.

On motion of Mr. HAMLIN, it was

Ordered, That the hour of the daily meeting of the Senate be twelve o'clock m., until otherwise ordered.

NOTIFICATION TO THE PRESIDENT.

Mr. ANTHONY offered the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee consisting of two members be appointed, to join such committee as may be appointed by the House of Representatives, to wait upon the President of the United States and inform him that a quorum of each House has assembled, and that Congress is ready to receive any communication he may be pleased to make.

By unanimous consent, the Vice-President was authorized to appoint the committee; and Messrs. ANTHONY and BAYARD were appointed as the committee on the part of the Senate.

COMMITTEES OF THE SENATE.

Mr. EDMUNDS. I beg leave to offer the following resolution, and if there be no objection I shall ask for its present consideration:

Resolved, That the standing and other committees of the Senate existing at the close of the last special session be, and the same are hereby, revived and continued until the further order of the Senate.

I am moved to ask for the present consideration of this resolution by the following considerations, briefly stated: This is a special, called session; the committees were all arranged and organized at the last special session of the Senate, which adjourned before the close of the month of March; it may be that we shall only be here for a few days; and so, according to some previous precedents and as a matter of convenience, it occurred to me that it would be wise to revive the committees as they were at the last adjournment, leaving the vacancies that now exist to be filled as the Senate may order hereafter; but in a general way reviving these committees until the Senate makes some other disposition, so that the immediate business of the Senate can go forward in the mean time. With that explanation I ask for the present consideration of the resolution.

Mr. THURMAN. There is no provision made in the resolution for the filling of vacancies.

Mr. CONKLING. They will stand to be filled as may be hereafter provided.

Mr. THURMAN. They ought to be filled.

Mr. EDMUNDS. The resolution leaves it to the order of the Senate, when the Senate is ready to act, to provide that they shall be filled so and so, as may be agreed on after consultation.

Mr. THURMAN. If the Senator has no objection to allowing the resolution to lie over until to-morrow morning, I think we can arrange the matter so as to finish it all up at once.

Mr. EDMUNDS. Very well.

The VICE-PRESIDENT. The resolution will lie over.

ORDER OF BUSINESS.

Mr. WHYTE. Mr. President, inasmuch as there is no business ready now for the Senate and it may be possible that the message of the President may be ready to reach us by half past one or two o'clock, I move that the Senate take a recess until two o'clock.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maryland.

Mr. CONKLING. I do not know the object which prompts the motion of the Senator from Maryland, but I suggest to him that the simpler way is to adjourn; and for that I will assign a reason. A committee has been appointed to join a committee of the other House for a purpose which cannot be effected until the House has organized and sent us notice of the appointment of a committee on its part. I suppose there will be no delay in organizing the House; but there are a number of officers to be elected, and the calling of the roll is a somewhat tedious process, as the Senator knows. My impression is that we shall accomplish nothing by taking a recess until two o'clock; and I suggest to the Senator to make his motion a motion to adjourn for the day.

Mr. WHYTE. I supposed when I made the motion that the House

would in all probability be thoroughly organized, and that the committee would have had an opportunity by two o'clock of calling upon the President and informing him that the two Houses were in session, so that his message could come in to-day. I have certainly no objection to an adjournment if my friend from New York chooses to make that motion.

Mr. CONKLING. I have no preference, I will say to the Senator, for an adjournment, except that, if we can accomplish nothing by remaining here, we may as well have the day and be at liberty in other respects. I had not supposed, from intimations I had heard from other Senators and from my own judgment, that we should be able to accomplish anything by an attempt to do any business this day. I will submit a motion, if that is agreeable to the Senator, that the Senate do now adjourn.

Mr. WHYTE. Very well.

The VICE-PRESIDENT. The question is on the motion of the Senator from New York that the Senate do now adjourn.

The motion was agreed to; and (at twelve o'clock and twenty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, October 15, 1877.

The members-elect of the House of Representatives for the Forty-fifth Congress assembled in their Hall and, at twelve o'clock, noon, were called to order by GEORGE M. ADAMS, Clerk of the last House of Representatives.

The CLERK. On the 5th day of May last the President of the United States issued the following proclamation:

By the President of the United States of America.

A PROCLAMATION.

Whereas the final adjournment of the Forty-fourth Congress, without making the usual appropriations for the support of the Army for the fiscal year ending June 30, 1878, presents an extraordinary occasion, requiring the President to exercise the power vested in him by the Constitution to convene the Houses of Congress in anticipation of the day fixed by law for their next meeting:

Now, therefore, I, Rutherford B. Hayes, President of the United States, do, by virtue of the power to this end in me vested by the Constitution, convene both Houses of Congress to assemble at their respective Chambers at twelve o'clock, noon, on Monday, the 15th day of October next, then and there to consider and determine such measures as, in their wisdom, their duty and the welfare of the people may seem to demand.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 5th day of May, in the year of our Lord 1877 and of the Independence of the United States of America the one hundredth and first.

[SEAL.]

R. B. HAYES.

By the President:

WM. M. EVARTS, *Secretary of State.*

The time thus designated by this proclamation for the meeting of the Forty-fifth Congress having arrived, the Clerk of the preceding House of Representatives will call the roll, which, by law, he is required to prepare, of the Representatives-elect to the Forty-fifth Congress; pending which, all persons not entitled to the privileges of the floor are requested to retire from the Hall, in order that the Representatives-elect may occupy the seats which are prepared for that purpose; and the Doorkeeper and the Sergeant-at-Arms will see to it that the rules of the House in reference to admission to the floor are rigidly and strictly enforced.

The roll was then called, and the following members answered to their names:

MAINE.

Thomas B. Reed.
William P. Frye.
Stephen D. Lindsey.

Llewellyn Powers.
Eugene Hale.

NEW HAMPSHIRE.

Frank Jones.
James F. Briggs.

Henry W. Blair.

VERMONT.

Charles H. Joyce.
Dudley C. Denison.

George W. Hendee.

MASSACHUSETTS.

William W. Crapo.
Benjamin W. Harris.
Walbridge A. Field.
Leopold Morse.
Nathaniel P. Banks.
George B. Loring.

Benjamin F. Butler.
William Claflin.
William W. Rice.
Amasa Norcross.
George D. Robinson.

RHODE ISLAND.

Benjamin T. Eames.

Latimer W. Ballou.

CONNECTICUT.

George M. Landers.
James Phelps.

John T. Wait.
Levi Warner.

NEW YORK.

James W. Covert.
William D. Veeder.
Simeon B. Chittenden.
Archibald M. Bliss.
Nicholas Muller.
Samuel S. Cox.
Anthony Eickhoff.
Anson G. McCook.
Fernando Wood.
Benjamin A. Willis.
Clarkson N. Potter.
John H. Ketcham.
George M. Beebe.
Stephen L. Mayham.
Terence J. Quinn.
Martin I. Townsend.

NEW JERSEY.

Clement H. Sinnickson.
John Howard Pugh.
Miles Ross.
Alvah A. Clark.

Augustus W. Cätler.
Thomas B. Peddie.
Augustus A. Hardenbergh.

PENNSYLVANIA.

Chapman Freeman.
Charles O'Neill.
Samuel J. Randall.
William D. Kelley.
Alfred C. Harmer.
William Ward.
I. Newton Evans.
Hiestor Clymer.
A. Herr Smith.
Samuel A. Bridges.
Francis D. Collins.
Hendrick B. Wright.
James B. Reilly.
John W. Killinger.

Edward Overton, jr.
John I. Mitchell.
Jacob M. Campbell.
William S. Stenger.
Levi Maish.
L. A. Mackey.
Jacob Turney.
Russell Errett.
Thomas M. Bayne.
William S. Shallenberger.
Harry White.
John M. Thompson.
Lewis F. Watson.

DELAWARE.

James Williams.

MARYLAND.

Daniel M. Henry.
Charles B. Roberts.
William Kimmell.

Thomas Swann.
Eli J. Henkle.
William Walsh.

VIRGINIA.

B. B. Douglas.
John Goode, jr.
Gilbert C. Walker.
Joseph Jorgensen.
George C. Cabell.

John R. Tucker.
John T. Harris.
Eppa Hunton.
Auburn L. Pridemore.

NORTH CAROLINA.

Jesse J. Yeates.
Curtis H. Brogden.
Alfred M. Waddell.
Joseph J. Davis.

Alfred M. Scales.
Walter L. Steele.
William M. Robbins.
Robert B. Vance.

SOUTH CAROLINA.

Joseph H. Rainey.
Richard H. Cain.
D. Wyatt Aiken.

John H. Evans.
Robert Smalls.

GEORGIA.

Julian Hartridge.
William E. Smith.
Philip Cook.
Henry R. Harris.
Milton A. Candler.

James H. Blount.
William H. Felton.
Alexander H. Stephens.
Hiram P. Bell.

ALABAMA.

James Taylor Jones.
Hilary A. Herbert.
Jere N. Williams.
Charles M. Shelley.

Robert F. Ligon.
Goldsmith W. Hewitt.
William H. Forney.
William W. Garth.

MISSISSIPPI.

H. L. Muldrow.
Van H. Manning.
H. D. Money.

O. R. Singleton.
Charles E. Hooker.
J. R. Chalmers.

LOUISIANA.

Randall L. Gibson.
E. John Ellis.
C. B. Darrall.

J. B. Elam.
J. E. Leonard.
E. W. Robertson.

OHIO.

Milton Saylor.
Henry B. Banning.
Mills Gardiner.
John A. McMahon.
Americus V. Rice.
Jacob D. Cox.
H. L. Dickey.
J. Warren Keifer.
John S. Jones.
Charles Foster.

Henry S. Neal.
Thomas Ewing.
Milton I. Southard.
Ebenezer B. Finley.
Nelson H. Van Vorhes.
Lorenzo Danford.
William McKinley, jr.
James Monroe.
James A. Garfield.
Amos Townsend.

KENTUCKY.

Andrew R. Boone.
James A. McKenzie.
John W. Caldwell.
J. Proctor Knott.
Albert S. Willis.

John G. Carlisle.
Joseph C. S. Blackburn.
Milton J. Durham.
Thomas Turner.
John B. Clarke.

TENNESSEE.

James H. Randolph.
J. M. Thornburgh.
George G. Dibrell.
H. Y. Riddle.
John M. Bright.

John F. House.
W. C. Whitthorne.
J. D. C. Atkins.
W. P. Caldwell.
H. Casey Young.

INDIANA.

Benoni S. Fuller.
Thomas R. Cobb.
George A. Bicknell.
Leonidas Sexton.
Thomas M. Browne.
Milton S. Robinson.
John Hanna.

Morton C. Hunter.
Michael D. White.
William H. Calkins.
James L. Evans.
Andrew H. Hamilton.
John H. Baker.

ILLINOIS.

William Aldrich.
Carter H. Harrison.
Lorenzo Brentano.
William Lathrop.
Horatio C. Barchard.
Thomas J. Henderson.
Phillip C. Hayea.
Greenbury L. Fort.
Thomas A. Boyd.
B. F. Marsh.

Robert M. Knapp.
William M. Springer.
Thomas F. Tipton.
Joseph G. Cannon.
John R. Eden.
William A. J. Sparks.
William R. Morrison.
William Hartzell.
Richard W. Townshend.

MISSOURI.

Anthony Ittner.
Nathan Cole.
Robert A. Hatcher.
Richard P. Bland.
Charles H. Morgan.
Thomas T. Crittenden.

Benjamin J. Franklin.
David Rea.
Henry M. Pollard.
John B. Clark, jr.
John M. Glover.
Aylett H. Buckner.

ARKANSAS.

Lucien C. Gause.
William F. Slemmons.

Jordan E. Cravens.
Thomas M. Gunter.

MICHIGAN.

Alpheus S. Williams.
Edwin Willits.
Jonas H. McGowan.
Edwin W. Keightley.
John W. Stone.

Mark S. Brewer.
Omar D. Conger.
Charles C. Ellsworth.
Jay A. Hubbell.

FLORIDA.

Robert H. M. Davidson.

Horatio Bisbee jr.

TEXAS.

John H. Reagan.
D. B. Culberson.
J. W. Throckmorton.

R. Q. Mills.
D. C. Giddings.
Gustave Schleicher.

IOWA.

Joseph C. Stone.
Hiram Price.
Theodore W. Burdick.
Nathaniel C. Deering.
Rush Clark.

Ezekiel S. Sampson.
Henry J. P. Cummings.
William F. Sapp.
Addison Oliver.

WISCONSIN.

Charles G. Williams.
Lucien B. Caswell.
George C. Hazelton.
William Pitt Lynde.

Edward S. Bragg.
Gabriel Bouck.
H. L. Humphrey.
Thad. C. Pound.

CALIFORNIA.

Horace Davis.
H. F. Page.

John T. Luttrell.
Romualdo Pacheco.

MINNESOTA.

Mark H. Dunnell.
Horace B. Strait.

J. H. Stewart.

OREGON.

Richard Williams.

KANSAS.

William A. Phillips.
Dudley C. Haskell.

Thomas Ryan.

WEST VIRGINIA.

Benjamin Wilson.
Benjamin F. Martin.

John E. Kenna.

NEVADA.

Thomas Wren.

NEBRASKA.

Frank Welch.

NEBRASKA.

After the State of Louisiana had been called, The CLERK said: In reference to the State of Louisiana, the Clerk, if there is no objection, will take occasion here to remark that there were received from the State of Louisiana three different sets of credentials, one set signed by John McEnery as governor of Louisiana, bearing date December 20, 1876, and declaring certain persons elected from the first, fourth, and sixth districts, but silent as to the persons elected from the other districts of said State. Inasmuch, however, as said McEnery was never *de facto* governor of Louisiana, and never in point of fact exercised or performed the functions of that office, it is not deemed necessary to make here any statement concerning the regularity or irregularity of the credentials coming from that source.

Another set of credentials is signed by William Pitt Kellogg as governor of Louisiana, with the seal of the State attached, all of which not only bear different dates, but also reached the hands of the Clerk at different times and through different channels, and simply declare the persons elected from each of the districts of said State respectively, except the second district, as to which no certificate seems to have been issued by said Kellogg in favor of any one. The law of Louisiana prescribing the character of the credentials by which the elections of its Representatives in Congress shall be authenticated and known provides as follows:

That as soon as possible after the expiration of the time of making the returns of the election for Representatives in Congress, a certificate of the returns of the election for such Representatives shall be entered upon record by the secretary of the State, signed by the governor, and a copy thereof, subscribed by said officers,

shall be delivered to the persons so elected, and another copy transmitted to the House of Representatives of the United States, directed to the Clerk thereof.

These credentials signed by Governor Kellogg are in no sense a compliance with the requirements of the laws of Louisiana. They do not even purport to be entered on the record by the secretary of state and there signed by the governor, but are, on the contrary, a simple declaration by him that certain persons are elected without even stating the sources of his information, and no more constitute credentials within the meaning of the laws of Louisiana than a simple statement from the treasurer or other State official would be. They are not such papers as the law of Louisiana has prescribed as the credentials by which the election of its Representatives in Congress shall be authenticated and known, and could not therefore be recognized by the Clerk as such, whose duty it is, under the law, to place on the roll the names of those, and only those, whose credentials show that they are elected in accordance with the laws of their respective States, or the laws of the United States.

The other set of credentials is signed by Francis P. Nicholls as governor of Louisiana, and Oscar Arroyo as assistant secretary of state, with the seal of the State attached. All of them bear date February 27, 1877, and all of them reached the hands of the Clerk at the same time, and through the channels prescribed by law. They declare the persons elected in each of the districts of Louisiana respectively, and conflict with the certificate signed by Governor Kellogg in reference to two districts only. These credentials comply, it is thought, with the laws of Louisiana in every respect, and the Clerk has accordingly placed on the roll the names of the persons contained in these credentials.

When the State of Missouri was called,

The CLERK said: From the State of Missouri there is one district, the third in number, from which no credential of any kind has been received in favor of any person, and consequently no name has been placed upon the roll from said district.

There has been handed to me this instant a paper from the State of Missouri addressed to the Speaker of the House of Representatives. It is suggested that, as there is no Speaker, the Clerk should open it.

Several MEMBERS-ELECT. No, no.

Mr. COX, of New York. Mr. Clerk, I hope there will be no objection to the paper being opened by the Clerk, as there is no Speaker of the House.

The CLERK. The Clerk prefers, inasmuch as it might raise a question about which, at this late hour, he is not prepared to determine what he should or should not do in reference to the roll, to leave it for the House to determine when it shall have organized.

Mr. COX, of New York. If there is any objection I withdraw the suggestion. I did not think that any gentleman would object.

When the State of Florida was called,

The CLERK said: In reference to the State of Florida, the Clerk, without objection, will make a statement as to the reasons by which he was controlled in placing upon or withholding from the roll the names of the members from this State, about which he imagines there may be some diversity of opinion in the minds of the Representatives-elect. From the State of Florida certificates were received, signed by Marcellus L. Stearns as governor of Florida, with the seal of the State attached, certifying that William J. Purman was elected in the first and that Horatio Bisbee was elected in the second district of said State. These certificates bear date respectively December 9 and December 14, 1876, and seem to be regular in form.

But in reference to the first district two certificates were subsequently received, signed by George F. Drew, governor of Florida, with the seal of the State attached, and bearing date respectively January 12 and February 26, 1877. These certificates recite the fact that the canvass of the vote upon which the certificate in favor of Mr. Purman was based had been declared by the supreme court of Florida to be illegal, and that another canvass had been made in obedience to the order of the supreme court of Florida, which canvass resulted in the election of Robert H. M. Davidson as Representative from said district.

Under such circumstances the Clerk felt bound to place on the roll from the first district of Florida the name of Robert H. M. Davidson, whose credentials show that he was elected in accordance with the laws of the State of Florida as interpreted by the supreme court of that State.

In reference to the second district of Florida, a certificate was also subsequently received, signed by George F. Drew, governor of Florida, with the seal of the State attached; which certificate does not, however, like the subsequent certificate signed by George F. Drew in reference to the first district, show that the second canvass, made in pursuance of the order of the supreme court, resulted in the election of any other person than Mr. Bisbee, to whom Governor Stearns had previously issued a certificate; but, on the contrary, it simply declares that by counting the votes in a certain precinct in Clay County which the board of State canvassers rejected, and which the supreme court in their opinion say could not be legally counted, then in that event J. J. Finley would be elected. Under such circumstances the Clerk could not see how the subsequent certificate declaring the election of Mr. Finley by doing what the supreme court had declared could not be legally done could in any way invalidate the certificate which had previously been issued by Governor Stearns to Mr. Bisbee; and hence, whatever may be the merits of this case in a contest before the House,

it seems clear to the Clerk that the *prima facie* right, with which alone the Clerk can deal, is with Mr. Bisbee, whose name was therefore placed on the roll.

When the State of Colorado was called,

The CLERK said: The Clerk will make a statement with reference to the reasons by which he was controlled in not placing on the roll the name of any one from the State of Colorado. There has been received by the Clerk a credential signed by Governor J. L. Routt, as governor of that State, with the seal of the State attached, declaring the election of James B. Belford, on the 3d day of October, 1876. The law of Congress in terms declares that the Clerk shall place upon the roll the names of those Representatives, and of those only, whose credentials show that they are elected in accordance with the laws of their States, respectively, or the laws of the United States. The Clerk does not think that there is any law in existence, either in the State of Colorado or any law of the United States, which authorizes the election of a Representative of the Forty-fifth Congress on the 3d day of October, 1876. That being the case and the certificate which Mr. Belford brings showing on its very face that he was elected at a time unauthorized by either the laws of the United States or of his State, the Clerk could see no way in which he could possibly place the name of Belford on the roll.

Mr. GARFIELD. Will the Clerk read the certificate?

The Clerk read the certificate, as follows:

CERTIFICATE OF ELECTION.

STATE OF COLORADO,
State Department, ss:

I, John L. Routt, governor of the State of Colorado, hereby certify that at an election held on the 3d day of October, A. D. 1876, James B. Belford received 13,249 votes, being a majority of all the votes cast for Representative in the Forty-fifth Congress of the United States.

He is therefore hereby declared duly elected Representative in said Congress.

In testimony whereof I have hereunto set my hand and caused the great seal of the State to be affixed at the city of Denver, this 6th day of November, A. D. 1876.

[SEAL]

JOHN L. ROUNTT, Governor.

By the governor:

WILLIAM M. CLARK, Secretary Colorado.

Mr. WOOD. Is a quorum present?

The CLERK. If the gentleman from New York will indulge the Clerk, he desires to conclude the statement which he was making when interrupted by a suggestion from the gentleman from Ohio, [Mr. GARFIELD.]

There was also received by the Clerk a protest signed by John M. Patterson, claiming to be Representative-elect from the State of Colorado, and accompanying that protest a certified copy of an abstract of the votes cast in each county on the Tuesday after the first Monday in November for Representative to the Forty-fifth Congress from the State of Colorado. This certified copy of the abstract of the votes cast at said election shows, however, that those votes were never canvassed by any board of canvassers and that no certificate was ever issued to any one declaring the result of said election.

While the Clerk is of opinion that the laws of the United States and of the State of Colorado required an election to be held in November, at which time Mr. Patterson claims to have been elected, still, inasmuch as Mr. Patterson does not present credentials regular in form, such as the Clerk feels would justify him in placing his name upon the roll, he will submit the credentials of Mr. Belford and Mr. Patterson, such as they are, to the consideration of the House after it shall have organized.

Mr. HALE. I rise to a question of the highest privilege, the right of a member to a seat in this House, and I send to the Clerk's desk a resolution which I desire to offer.

Mr. WOOD. I rise to a question of order. I submit that until the Clerk has announced that a quorum is present no motion is in order.

Mr. HALE. I ask that my resolution be read.

The CLERK. The gentleman from Maine must be aware that the first thing in order is to announce the number of Representatives-elect who are present, so that the Representatives-elect may know whether a quorum is present or not.

Mr. HALE. I will then, in order to elicit that fact, ask the Clerk whether a quorum have not answered to their names?

The CLERK. The Clerk will announce the number of persons who have answered. Upon the call of the roll 290 Representatives-elect have responded to their names, which is more than a quorum. The Clerk is now prepared to receive motions looking to the election of a Speaker.

Mr. WOOD. I rise to a question of the highest privilege. I move that the House proceed to the election of a Speaker of the House of Representatives for the Forty-fifth Congress; and upon that motion I demand the previous question.

Mr. HALE. I want the resolution which I offered read and a ruling from the Clerk upon it.

Mr. COX, of New York. I make a point of order upon the resolution.

Mr. HALE. The gentleman cannot raise a point of order upon the resolution until it has been read.

Mr. WOOD. This House can transact no business under the law until it is organized, and it is not organized until it has elected a presiding officer.

Mr. HALE. The House has listened to explanations from the Clerk relating to credentials in three different cases: from Louisiana, from Florida, and from this same State of Colorado. I do not know

what right the Clerk has to consume the time of the House that a member upon this floor has not. I offer the resolution in good faith, as presenting a question of the highest privilege. I ask that it be read and that the Clerk rule upon it.

Mr. COX, of New York. I raise the point of order that there is nothing before the House.

The CLERK. The Clerk would suggest to the gentleman from New York [Mr. COX] that inasmuch as he does not know the purport of the resolution which the gentleman from Maine [Mr. HALE] proposes to present, it be read to the House, and the gentleman can reserve his point of order until that has been done.

Mr. COX, of New York. I will reserve the point of order.

The resolution was read, as follows:

Whereas James B. Belford presents the only certificate of election as a Representative in the Forty-fifth Congress given by the duly constituted authorities of the State of Colorado; and whereas the Clerk of the House of Representatives for the Forty-fourth Congress has set aside said legal certificate presented by said James B. Belford, thereby without law assuming rights and authority which only belong to the House: Therefore,

Resolved, That the name of Thomas M. Patterson be stricken from the roll of this House—

Mr. COX, of New York. There is no such name on the roll, [laughter]—

as Representative in the Forty-fifth Congress from the State of Colorado, and that the name of James B. Belford be placed upon said roll as a Representative in said Congress.

Mr. HALE. The part of the resolution referring to Mr. Patterson should be stricken out.

Mr. COX, of New York. I raise the point of order on that resolution, that the Clerk has absolute control over the roll of the House, and this resolution is not in order until a Speaker has been elected and the House organized.

The CLERK. The Clerk will state the question before the House as he understands it. The gentleman from Maine [Mr. HALE] submits a resolution to strike from the roll a name which has not been read from the roll, and to insert upon the roll a name which was omitted therefrom. The gentleman from New York [Mr. WOOD] has moved that the House now proceed to the election of a Speaker, upon which motion he demands the previous question. The gentleman from New York [Mr. COX] raises the point of order that the resolution submitted by the gentleman from Maine [Mr. HALE] is not in order for the reason that it proposes that this House—not this House, but the Representatives-elect—shall perform a duty in the making of the roll which the law of Congress has declared the Clerk shall perform. On that ground the Clerk sustains the point of order.

The question, therefore, will be upon seconding the demand for the previous question upon the motion of the gentleman from New York [Mr. WOOD] to proceed at once to the election of a Speaker.

Mr. HALE. I must take an appeal from the decision of the Clerk.

The CLERK. The Clerk rules, for two reasons, that the resolution submitted by the gentleman from Maine [Mr. HALE] is not now in order. The first reason is that it is not competent for the Representatives-elect, in their unorganized capacity, either to instruct the Clerk how he shall perform a duty which the law has imposed upon him, or to take out of the hands of the Clerk and themselves perform the duty which the law has said the Clerk shall perform.

In the next place, even if it were not out of order on that ground, there is pending a question of higher privilege than that presented by the gentleman from Maine, upon which the previous question has been demanded. Therefore, on both these grounds, the Clerk decides that the resolution presented by the gentleman from Maine is not in order; and that the question therefore is upon seconding the demand for the previous question upon the motion of the gentleman from New York [Mr. WOOD] to proceed at once to the election of a Speaker.

From that decision of the Clerk the gentleman from Maine takes an appeal, and if the only point involved were the mere question as to which of the two propositions thus submitted takes precedence, the Clerk would not hesitate to submit the appeal to the decision of the Representatives present. But the resolution of the gentleman from Maine in effect proposes that the Representatives-elect and here assembled shall undertake to perform a duty which by law is devolved solely upon the Clerk of the preceding House; for if one name can be thus added to or stricken from the roll of the Clerk of course any number of names can likewise be added to or stricken therefrom, and the Representatives-elect thus become the framers of a roll which by law it is made the duty of the Clerk to make.

The Clerk begs to say with all due respect that he does not think it is competent for Representatives-elect in their unorganized capacity to instruct the Clerk of a preceding House as to the manner in which he shall perform a duty imposed upon him by law, or in any way interfere with him in the discharge of such duties. He does not desire to arrogate to himself any authority in the organization of the House which does not legitimately belong to him; but he does not feel that in the discharge of his duty under the rules of the House and under the obligations of his oath he would be justified in submitting an appeal of this kind, and therefore rules that the question is upon seconding the demand for the previous question on the motion submitted by the gentleman from New York [Mr. WOOD] that the House now proceed to the election of a Speaker.

The CLERK proceeded to submit the question, and said: The Clerk thinks that the ayes unquestionably have it.

Mr. HALE. I call for tellers.

The CLERK. The Clerk assumes that a sufficient number will insist upon a vote by tellers, and will therefore ask that the gentleman from Maine [Mr. HALE] and the gentleman from New York [Mr. WOOD] act as tellers. The tellers will please take their places.

The House divided; and the tellers reported—ayes 149, noes 129.

So the previous question was seconded.

The main question was ordered; and under the operation thereof the motion of Mr. WOOD, that the House proceed to elect *viva voce* a Speaker, was agreed to.

ELECTION OF SPEAKER.

The CLERK. Nominations for Speaker are now in order.

Mr. CLYMER. I place in nomination for the office of Speaker of this House for the Forty-fifth Congress, Hon. SAMUEL J. RANDALL, a Representative-elect from the State of Pennsylvania.

Mr. HALE. I nominate for the same position Hon. JAMES A. GARFIELD, a Representative-elect from the State of Ohio.

The CLERK. Are there any further nominations? If not, the Clerk will ask that Mr. CLYMER of Pennsylvania, Mr. BANNING of Ohio, Mr. FORT of Illinois, and Mr. FOSTER of Ohio, act as tellers during the vote for Speaker. The tellers will please take their places at the Clerk's desk.

The House then proceeded to vote *viva voce* for Speaker, with the following result, which was announced by Mr. CLYMER on behalf of the tellers:

Whole number of votes cast 281; necessary to a choice 141, of which—

SAMUEL J. RANDALL received.....149
JAMES A. GARFIELD received.....132

The following is the vote in detail:

For Mr. Randall.—Messrs. Aiken, Atkins, Banning, Beebe, Bell, Benedict, Bicknell, Blackburn, Bland, Bliss, Blount, Boone, Bouck, Bragg, Bridges, Bright, Buckner, Cabell, John W. Caldwell, W. P. Caldwell, Candler, Carlisle, Chalmers, Alvah A. Clark, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cobb, Collins, Cook, Covert, Samuel S. Cox, Cravens, Crittenden, Culberson, Cutler, Davidson, Joseph J. Davis, Dibrell, Dickey, Douglas, Durham, Eden, Eickhoff, Elam, Ellis, John H. Evans, Ewing, Felton, Finley, Forney, Franklin, Garth, Gause, Gibson, Giddings, Glover, Goode, Gunter, Hamilton, Hardenbergh, Henry E. Harris, John T. Harris, Harrison, Hart, Hartridge, Hartzell, Hatch, Henkle, Henry, Goldsmith, W. Hewitt, Herbert, Hooker, House, Hunton, Frank Jones, James Taylor Jones, Kenna, Kimmell, Knapp, Knott, Landers, Ligon, Lockwood, Luttrell, Lynde, Mackey, Maish, Manning, Martin, Mayham, McKenzie, McMahon, Mills, Money, Morgan, Morrison, Morse, Muldrow, Muller, Phelps, Potter, Pridemore, Quinn, Rea, Reagan, Reilly, Americus V. Rice, Riddle, Robbins, Roberts, Robertson, Rosa, Saylor, Scales, Schleicher, Shelley, Singleton, Slemmons, William E. Smith, Southard, Sparks, Springer, Steele, Stenger, Stephens, Swann, Throckmorton, Townsend, Tucker, Turner, Turney, Vance, Veeder, Waddell, Walker, Walsh, Warner, Whitthorne, Alpheus S. Williams, James Williams, Jeremiah N. Williams, Albert S. Willis, Benjamin A. Willis, Wilson, Wood, Wright, Yeates, and Young—149.

For Mr. Garfield.—Messrs. Aldrich, Bacon, Bagley, John H. Baker, William H. Baker, Ballou, Banks, Bisbee, Blair, Boyd, Brentano, Brewer, Briggs, Brogden, Browne, Bundy, Burchard, Burdick, Butler, Cain, Calkins, Camp, Campbell, Cannon, Caswell, Chittenden, Claflin, Rush Clark, Cole, Conger, Jacob D. Cox, Crapo, Cummings, Danford, Darrell, Horace Davis, Deering, Denison, Dunnell, Dwight, Eames, Ellsworth, L. Newton Evans, James L. Evans, Field, Fort, Foster, Freeman, Frye, Gardner, Hale, Hanna, Harmer, Benjamin W. Harris, Hays, Hazelton, Hendee, Henderson, Hisecock, Hubbell, Humphrey, Hunter, Hungerford, Itner, James, John S. Jones, Jorgensen, Joyce, Keifer, Keightley, Ketcham, Lapham, Lathrop, Leonard, Lindsey, Loring, Marsh, McCook, McGowan, McKinley, Mitchell, Monroe, Neal, Norcross, Oliver, O'Neill, Overton, Pacheco, Page, Patterson, Peddie, Phillips, Pollard, Pound, Powers, Price, Pugh, Rainey, Randolph, Reed, William W. Rice, George D. Robinson, Milton S. Robinson, Ryan, Sampson, Sapp, Sexton, Shallenberger, Sinnickson, Smalls, A. Herr Smith, Starin, Stewart, John W. Stone, Joseph C. Stone, Strait, Thompson, Thornburgh, Tipton, Amos Townsend, Martin I. Townsend, Van Vorhes, Wait, Watson, Welch, Harry White, Michael D. White, Willets, Andrew Williams, Charles G. Williams, Richard Williams, and Wren—132.

The Clerk announced that SAMUEL J. RANDALL, one of the Representatives from the State of Pennsylvania, having received a majority of the votes given, was duly elected Speaker of the House of Representatives for the Forty-fifth Congress.

ADDRESS OF THE SPEAKER.

Mr. GARFIELD and Mr. GOODE, having been named by the Clerk for that purpose, conducted Mr. RANDALL to the chair, when he addressed the House as follows:

Gentlemen of the House of Representatives:

Elevated for the second time by your generosity to the exalted dignity of Speaker of this House, I thank you with a grateful heart. I shall endeavor, with even temper, but rigid firmness, to perform the duties of the office and to respond adequately to the confidence reposed in me by conforming my actions to the clearly-expressed will of the House. Yet, fully realizing the delicacy and difficulty of the position, I solicit your advice and assistance, feeling assured at the same time of your forbearance and indulgence.

We meet under circumstances imperiously demanding that all considerations of class, section, or party shall be subordinated to the loftier and more patriotic object of what is best for the whole country and all of its people.

Since the adjournment an administration has been induced into office, which is obeyed as the actual Government, regardless of the grave events which marked its birth; and this House, animated by a spirit of true patriotism, desiring first public tranquility under the

law, should frankly approve any sincere and permanent policy looking to complete pacification by constitutional methods, and the consequent promotion of the general welfare. But it should be held your sacred duty to provide legislation which will render impossible a repetition of the wrongs which have occurred or of the dangers which threatened us.

I assume we will take no step backward in the work of retrenchment and reform so auspiciously begun by the last House under a matured and definite plan of reduction in the expenditures of the Government. It is certain still greater reductions can be made without impairing the efficiency of administration. To have honest administration, it should be frugal. Never before was it more urgent than now, with general financial distress and labor depressed by heavy burdens, to exercise the sternest economy. When the iron rule of hard necessity darkens every household in the land extravagance on the part of the people's servants is an unpardonable crime.

It is partly because of this wholesome policy so faithfully carried out that I am permitted this day to speak from this place.

Invoking for our deliberations tolerance of opinion, which secures harmonious action, ripe and clear judgment, which purifies legislation, and that mutual confidence and respect which should subsist between the House and its presiding officer, I am now ready to take the oath prescribed by law.

Mr. KELLEY, having served longest continuously as a member of the House, was designated by the Clerk to administer to the Speaker-elect the oath prescribed by law; which was accordingly done.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. SYMPSON, one of its clerks, announced that Mr. ANTHONY and Mr. BAYARD had been appointed a committee on the part of the Senate to join such committee as might be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House had assembled, and that Congress was ready to receive any communication he might be pleased to make.

SWEARING IN OF MEMBERS.

The SPEAKER proceeded to administer to the members in attendance the oath of office. The members presented themselves as their names were called by States, and took respectively the "test-oath" prescribed by the act of July 2, 1862, or the special oath provided in the act of July 11, 1868, for those whose disabilities under the fourteenth article of amendments to the Constitution of the United States have been removed by a vote of two-thirds of each House of Congress.

When the State of South Carolina was called,

Mr. COX, of New York, said: In conformity with usage, I ask that two members from South Carolina stand aside for the present.

The SPEAKER. The gentleman will indicate to whom he refers.

Mr. COX, of New York. I ask that Mr. Cain and Mr. Rainey, of South Carolina, (whose cases will be brought up after members have been sworn in, to decide whether they have the *prima facie* right to a seat upon this floor or not,) stand aside for the present.

The SPEAKER. The gentlemen named will for the present stand aside.

When the State of Louisiana was called,

Mr. COX, of New York, said: I ask that Mr. Darrall, of Louisiana, stand aside.

Mr. FRYE. I ask that Mr. J. B. Elam and Mr. E. W. Robertson, of the State of Louisiana, also stand aside.

The SPEAKER. The gentlemen indicated will stand aside for the present.

When the State of California was called,

Mr. SPRINGER said: I object to the swearing in of Mr. Pacheco.

The SPEAKER. The gentleman will stand aside for the present.

SWEARING IN OF DELEGATES.

At the close of the swearing in of the members,

The SPEAKER said: The Clerk will now call the roll of Delegates elected to this House, and those who are present will be sworn in.

The roll of Delegates was called; and the following gentlemen came forward and were sworn in, taking the test-oath of 1862:

New Mexico—Trinidad Romero.

Utah—George Q. Cannon.

Washington—Orange Jacobs.

Dakota—Jefferson P. Kidder.

Arizona—Hiram S. Stevens.

Idaho—Stephen S. Fenn.

Montana—Martin Maginnis.

Wyoming—William W. Corlett.

ORGANIZATION OF THE HOUSE.

Mr. CLYMER. I beg leave to offer the following resolution:

Resolved, That Hon. George M. Adams, a citizen of the State of Kentucky, be, and he is hereby, elected Clerk of the House of Representatives of the Forty-fifth Congress; that John G. Thompson, of the State of Ohio, be, and he is hereby, elected Sergeant-at-Arms of the House of Representatives of the Forty-fifth Congress; that John W. Polk, of the State of Missouri, be, and he is hereby, elected Doorkeeper of the House of Representatives of the Forty-fifth Congress; that James M. Stewart, of the State of Virginia, be, and he is hereby, elected Postmaster of the House of Representatives of the Forty-fifth Congress; and that Rev. Dr. John Poisel, of the State of Maryland, be, and he is hereby, elected Chaplain of the House of Representatives of the Forty-fifth Congress.

I offer this resolution to complete the organization of the House, but before calling the previous question I will yield the floor to any member who may wish to offer an amendment.

Mr. HALE. I offer the customary resolution as a substitute to that offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Amend the resolution by striking out the portion naming the candidates, with the respective offices for which they are nominated, and inserting in lieu thereof the following:

For Clerk of the House of Representatives, Forty-fifth Congress, Jeremiah M. Rusk, of Wisconsin; for Sergeant-at-Arms, Nehemiah G. Ordway, of New Hampshire; for Doorkeeper, Horace H. Harrison, of Tennessee; for Postmaster, Henry L. Sherwood, of Michigan; and for Chaplain, Rev. J. G. Butler, D. D., of the District of Columbia.

Mr. CLYMER. I demand the previous question.

The previous question was seconded and the main question ordered.

The substitute was rejected.

The resolution was then adopted.

Mr. CLYMER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HALE. I rise to make a motion in reference to the right of a member—

The SPEAKER. The Chair would suggest that the officers of the House have not yet been sworn in. If he will yield now the Chair will recognize him at the proper time.

Mr. HALE. I do not object to necessary routine business taking place at this time in the way of sending notification to the President, &c.

The SPEAKER. The officers just elected, if in attendance, will now present themselves at the bar of the House to take the oath of office.

Mr. ADAMS, Mr. THOMPSON, Mr. POLK, and Mr. STEWART presented themselves and were duly qualified; the two former taking the test-oath prescribed by the act of July 2, 1862; the two latter, the modified oath provided by the act of July 11, 1868.

NOTIFICATION OF ORGANIZATION.

Mr. MORRISON offered the following resolution; which was read, considered, and agreed to:

Resolved, That a message be sent to the Senate to inform that body that a quorum of the House of Representatives has assembled, and that SAMUEL J. RANDALL, one of the Representatives from the State of Pennsylvania, has been chosen Speaker; and that the House is now ready to proceed to business.

Mr. GOODE submitted the following resolution; which was read, considered, and agreed to:

Resolved, That a committee of three be appointed on the part of the House, to join such committee as may be appointed on the part of the Senate, to wait on the President of the United States and inform him that a quorum of the two Houses has assembled, and that Congress is ready to receive any communication he may be pleased to make.

Mr. GOODE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER appointed as the committee Mr. GOODE of Virginia, Mr. SAYLER of Ohio, and Mr. GARFIELD of Ohio.

DRAWING FOR SEATS.

Mr. BRIGHT. I offer the following resolution.

The Clerk read as follows:

Resolved, That the Clerk of the House shall, at one o'clock p. m. to-morrow, place in a box the name of each Member and Delegate of the House of Representatives, written upon a separate slip of paper; that he proceed in the presence of the House to draw from said box, one at a time, the said slips of paper; and as each is drawn he shall announce the name of each Member or Delegate upon it, who shall choose his seat for the present Congress: *Provided*, That before said drawing shall commence the Speaker shall cause each seat to be vacated, and shall see that every seat continues vacant until it is selected under this order; and that every seat, after having been selected, shall be deemed forfeited if left unoccupied before the call of the roll of the House.

Mr. SOUTHARD. I move to amend the resolution by striking out "one o'clock to-morrow" and inserting in lieu thereof "three and a half o'clock to-day."

Mr. CLYMER. Say four.

Mr. SOUTHARD. Very well; I will say four. I do this because members are present now and I think it would be a more convenient time for drawing seats.

Mr. BRIGHT. I will accept that amendment as a modification of my resolution.

Mr. MILLS. Then I move to strike out "four o'clock" and insert "forthwith."

Mr. CLYMER. It is now nearly four o'clock.

The SPEAKER. And the clerks require some time to prepare the papers and the box.

Mr. MILLS. I will withdraw my amendment.

Mr. BRIGHT's resolution, as modified by himself, was adopted.

Mr. BRIGHT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SPRINGER. I offer the following resolution:

Resolved, That Hon. ALEXANDER H. STEPHENS, of Georgia, Hon. WILLIAM D. KELLEY, of Pennsylvania, the oldest member in continuous service, and Hon. FERNANDO WOOD, of New York, the oldest member in point of service in this House, be allowed to select their seats before the drawing for seats begins.

Mr. SOUTHARD. I move to amend that resolution by including the name of Hon. S. S. COX, who has been here, I understand, for eighteen years.

Mr. SPRINGER. I accept that amendment.

Mr. TOWNSEND, of New York. I ask that the same privilege be granted to Governor PATTERSON, of New York, whose advanced years are a reason why he should have a forward seat.

Mr. LORING. I ask that the name of Hon. N. P. BANKS, of Massachusetts, be also included in the resolution.

The SPEAKER. The Chair will state the names which it has been suggested shall be included in the resolution of the gentleman from Illinois, [Mr. SPRINGER.] They are as follows: The gentleman from Georgia, Mr. STEPHENS; the gentleman from Pennsylvania, Mr. KELLEY; the gentleman from New York, Mr. WOOD; the gentleman from New York, Mr. PATTERSON; the gentleman from New York, Mr. COX; and the gentleman from Massachusetts, Mr. BANKS. If there be no objection the resolution will be modified accordingly.

There was no objection.

Mr. SPRINGER. I now demand the previous question on the adoption of the resolution.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution, as modified, was adopted.

Mr. SPRINGER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HALE. It has been suggested to me that in the condition of the business of the House the present would not be a good time to bring up any matter for debate. For myself I am willing that the matter of privilege to which I rose shall be postponed if I am allowed the floor on it to-morrow morning.

The SPEAKER. The gentleman from Maine [Mr. HALE] has risen to a question of privilege, and will be recognized by the Chair at any time he sees fit to ask recognition.

Mr. HALE. With that understanding I shall not call up the question at present.

The SPEAKER. The Chair desires to suggest that in the drawing for seats the names of the gentlemen who have not been sworn, having been requested to stand aside when their names were called, should go into the box in the same manner as the names of other gentlemen, without, of course, giving any right to those gentlemen otherwise.

Mr. COX, of New York. I make no objection to that arrangement, but I suggest that if any day or any hour is to be fixed for hearing the Colorado case, or any other case, it should be understood, as regards the order in which these cases shall come up, that the Colorado case does not necessarily take precedence.

The SPEAKER. The gentleman from Maine [Mr. HALE] gives notice that he will call up the Colorado case as the first business to-morrow.

Mr. COX, of New York. I desire to reserve the point of order. I wish the cases to be called up each in its own order as it stands on the roll.

Mr. GARFIELD. That is what is being done. This is the first case. That order ought to be preserved in all the cases.

The SPEAKER. The Chair desires to say that the gentleman from Ohio is mistaken. Colorado was the last case on the roll.

Mr. HALE. As I understand, Mr. Belford was the first set aside by the Clerk, and his case therefore comes in earlier than the others. The others were set aside on objections made by members on the floor at a later period. I accordingly rose for the purpose of bringing up the Colorado case first, as it had been the first set aside.

Mr. SPRINGER. I make the point of order that there being no name upon the roll from the State of Colorado, the question as to the right of those whose names are on the roll should take precedence in the consideration of the House.

The SPEAKER. The gentleman means as to their being sworn in? Mr. SPRINGER. Yes, sir.

The SPEAKER. The Chair would suggest to the House that it would be better perhaps to take up first the cases of those that have been omitted from being sworn in, having been asked to step aside. The Chair, however, would state that he thinks those gentlemen by the mere fact of their being asked to step aside lose none of their rights; and if any vote is taken, the Chair inclines to the opinion that they should be allowed to vote until they are deprived of the right to vote by the House.

Mr. COX, of New York. Do I understand the Chair to say that these gentlemen are allowed to vote before they are sworn in, or that they should be sworn in now and the point raised afterward as to their right to their seats?

The SPEAKER. The Chair does not decide anything, as the question has not arisen, but expresses the opinion that those gentlemen who are asked to step aside are not deprived of any of their rights.

They have already voted for a Speaker, and the Chair presumes, although the names of members were not called, that they equally voted on the resolution appointing other officers of the House. The Chair is sustained in that opinion by what occurred in a former Congress. He asks the Clerk to read what he has marked.

The Clerk read as follows:

Mr. ELDRIDGE. My point of order is this: The Speaker has called the gentleman from Maryland, [Mr. Hamill] with the other gentleman from Maryland, to the stand for the purpose of taking the oath of office. Now the House cannot require him to stand aside or fall back except by a vote of the House, and that vote must be by a quorum of the House; and, as a quorum of this House have not yet been sworn in, he must have the oath administered to him.

The SPEAKER. The Chair overrules the point of order; and the Chair will take occasion to correct an erroneous impression which may perhaps have been created by the remarks of the gentleman from Massachusetts, [Mr. Dawes.] The Chair regards the House in its present condition as competent to enforce the previous question. Such was the case even in the preliminary stage of the proceedings for organization to-day before the Clerk had called the roll for the election of Speaker. The House certainly has lost none of its power by the election of Speaker and by its proceedings so far in the business of organization. The precedents are all in the direction of the ruling of the Chair.

Mr. CLYMER. There appears to be no business before the House, and I move that we now take a recess until five minutes before four o'clock p. m.

Mr. HALE. It is understood, I suppose, that when the House assembles to do business I am to be recognized as being upon the floor on the Colorado case?

The SPEAKER. The Chair understands that the gentleman will raise a question of privilege in that case.

Mr. CONGER. I understood the Chair to announce that the names of those who were not sworn in would be placed in the box for the drawing for seats, and I ask that the name of "Colorado" be placed in the box.

The SPEAKER. The Chair thinks that that would hardly be proper, as there is no name from Colorado upon the roll-call.

Mr. HALE. It seems to me it would be proper that the name of the State should go in the RECORD in some way.

The SPEAKER. The Chair has no objection to ask the unanimous consent of the House that a paper with the name of "Colorado" upon it be placed in the box and then the seat will belong to-whomever may be seated from that State. Is there objection?

Mr. HUNTON. When that paper is drawn out, who is to select the seat?

Mr. DARRALL. The Clerk of the House can select it.

Mr. HUNTON. One of these gentlemen would wish to go upon one side of the House and the other upon the other side of the House.

Mr. BUCKNER. And then suppose we find that neither of these gentlemen is entitled to the seat and that somebody else is?

The SPEAKER. Then some gentleman from Colorado will have a right to the seat and will come forward and occupy it.

The question was taken on Mr. CLYMER's motion; and it was agreed to.

And thereupon (at three o'clock and fifteen minutes p. m.) the House took a recess until five minutes before four o'clock p. m.

AFTER THE RECESS.

The recess having expired, the House reassembled at five minutes before four o'clock p. m.

Mr. DURHAM. The hour of four o'clock has nearly arrived, and I would suggest that all members be required to get in the rear of the seats, and that the Sergeant-at-Arms be directed to clear the floor of every person excepting members-elect, so that we may have plenty of room in the Hall for those that are entitled to be here.

The SPEAKER. That is the duty of the Doorkeeper, and the Chair directs him to carry out that order.

Mr. PHILLIPS. My colleague, Mr. HASKELL, from the third district, arrived in the city three days ago, but he is now in bed sick. I ask that my colleague, Mr. RYAN, be allowed to select a seat for him when his name is drawn.

No objection was made, and it was ordered accordingly.

Mr. BUCKNER. I would ask unanimous consent that the Clerk be directed to put into the box a paper representing the third district of Missouri, from which district no member appears upon the roll, and that when that seat be drawn the Clerk or some other person be permitted to select it. There are two gentlemen contesting the right to that seat, one of whom is certainly entitled to it.

Mr. MILLS. Neither of them, I understand, has a certificate.

Mr. HUNTON. Was the same thing done in the case of Colorado?

Mr. BUCKNER. Yes, it was.

Mr. HUNTON. I thought it was refused.

The SPEAKER. It was done; the name of "Colorado" was placed in the box, and when it is drawn the Clerk will select the seat.

Mr. BUCKNER. And I ask that the same thing be done in the case of the third district of Missouri.

Mr. MILLS. I object to the name of any gentlemen being put in the box, excepting those who have certificates of election; none others are entitled to have a chance in the drawing for the selection of seats. I objected before when a similar proposition was made, and I now repeat my objection.

The SPEAKER. Did the gentleman object in the case of Colorado?

Mr. MILLS. I tried to object, but I believe I was not heard.

The SPEAKER. When did the gentleman object?

Mr. MILLS. As soon as the gentleman from Missouri [Mr. BUCKNER] made the proposition.

The SPEAKER. The gentleman from Texas is referring to the proposition made by the gentleman from Missouri, [Mr. BUCKNER,] and not to the Colorado case. The gentleman from Missouri made no motion in reference to the Colorado case; that motion was made by the gentleman from Michigan.

Mr. HARRIS, of Virginia. An hour ago.

The SPEAKER. Before the recess.

Mr. MILLS. Does the Chair say that there is a Representative from Colorado present upon the floor?

The SPEAKER. The Chair states that the House gave unanimous consent that the name of Colorado should be placed upon a tablet and put into the box, and that when drawn out the Clerk should select the seat for whoever might hereafter be determined to be entitled to represent Colorado. The Chair heard no objection to that proposition.

Mr. MILLS. I did not know that such a proposition had been made.

The SPEAKER. The Chair would like to remind the gentleman from Texas that the proposition as to Colorado was made before the recess was taken. His objection now is to granting the same permission in the case of the third district of Missouri, which has been made subsequently to the recess.

Mr. MILLS. The right of selecting a seat is a right appertaining to members of the House only, and I hope that permission will not be further extended. I object to the name of any person being put in the box who is not a member of the House.

The SPEAKER. The gentleman then objects to any more names being put in the box?

Mr. MILLS. Can the action of the House in regard to Colorado be rescinded?

The SPEAKER. It can be reconsidered by unanimous consent.

Mr. MILLS. I suppose I should hardly get that.

The SPEAKER. By unanimous consent six gentlemen were given permission to select seats prior to the drawing. Those gentlemen will now select their seats and remain in them, or put pages there, so that they may not be taken by others. Any seat that is unoccupied when a member's name is drawn from the box is, of course, at the mercy of that member.

DRAWING FOR SEATS.

The Members and Delegates, in accordance with the resolution of the House, retired beyond the outer row of seats, and, as their names were drawn, came forward and selected their seats; the first name drawn being that of MILTON A. CANDLER, of Georgia, and the last (at five o'clock and thirty minutes p. m.) that of EPPA HUNTON, of Virginia.

During the drawing of seats, when the name of Mr. ABRAM S. HEWITT, of New York, was called,

Mr. GIBSON said: Mr. HEWITT has been detained in Paris by the serious illness of his wife. I ask unanimous consent that the Clerk of the House be authorized to select a seat for Mr. Hewitt.

Several members objected, and, accordingly, consent was not granted.

At the conclusion of the drawing,

Mr. LUTTRELL moved that the House adjourn.

DAILY HOUR OF MEETING.

Mr. COX, of New York. Before that motion is put I would suggest that we had better adopt the ordinary order at the beginning of a session; that, until otherwise ordered, the daily hour of meeting be twelve o'clock meridian.

The motion of Mr. COX, of New York, was agreed to.

The motion of Mr. LUTTRELL was then agreed to; and accordingly (at five o'clock and thirty-two minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. KNAPP: The petition of H. S. Osborne & Co. and others engaged in the milling business at Quincy, Illinois, that an investigation be made of the manner of the reissue of a patent for mill apparatus numbered 5841, and that the patent laws be amended so as to prevent the fraudulent issue or cancellation of patents—to the Committee on Patents, when appointed.

Also, the petition of Michael Piggott, postmaster; Lewis D. White, mayor, and other citizens of Quincy, Illinois, for an increase of the salary of the letter-carriers of that city—to the Committee on the Post-Office and Post-Roads, when appointed.

IN SENATE.

TUESDAY, October 16, 1877.

SAMUEL J. R. McMILLAN, a Senator from the State of Minnesota, appeared in his seat to-day.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

Mr. GEORGE M. ADAMS, Clerk of the House of Representatives, appeared below the bar of the Senate and said:

Mr. President, I am directed by the House of Representatives to inform the Senate that a quorum of the House has assembled, and that SAMUEL J. RANDALL, one of the Representatives from the State of Pennsylvania, has been chosen Speaker, and GEORGE M. ADAMS, of Kentucky, Clerk; and that the House is now ready to proceed to business.

I am further directed to inform the Senate that a committee of three members has been appointed on the part of the House, to join such committee as may be appointed on the part of the Senate, to wait upon the President of the United States, and inform him that a quorum of the two Houses has assembled, and that Congress is ready to receive any communication he may be pleased to make; and that Messrs. JOHN GOODE of Virginia, MILTON SAYLER of Ohio, and JAMES A. GARFIELD of Ohio have been appointed such committee on the part of the House.

NOTIFICATION TO THE HOUSE.

Mr. HAMLIN. I submit a resolution corresponding to the one which we have just received from the House:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate has assembled, and that the Senate is ready to proceed to business.

The resolution was considered by unanimous consent, and agreed to.

COMMITTEES OF THE SENATE.

Mr. EDMUNDS. I move to take up the resolution I offered yesterday respecting the appointment of committees.

The motion was agreed to; and the Senate proceeded to consider the following resolution offered yesterday by Mr. EDMUNDS:

Resolved, That the standing and other committees of the Senate existing at the close of the last special session be, and the same are hereby, revived and continued until the further order of the Senate.

The resolution was agreed to.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a concurrent resolution of the General Assembly of the State of Missouri in favor of a national system of levees on the Mississippi River; which was referred to the Select Committee on the Levees of the Mississippi River.

He also presented a concurrent resolution of the General Assembly of the State of Missouri in favor of the removal of the National Capitol; which was referred to the Committee on Public Buildings and Grounds.

Mr. DAVIS, of West Virginia. I present a petition from citizens and business men of Wheeling, West Virginia, numbering some hundreds, perhaps a thousand, in behalf of the letter-carriers. It is short, and I ask the Clerk to read it, and that it be referred to the Committee on Post-Offices and Post-Roads.

The petition was referred to the Committee on Post-Offices and Post-Roads, and read, as follows:

To the honorable the Congress of the United States:

Sirs: We, the undersigned citizens and business men of the city of Wheeling, do hereby respectfully represent, for and on behalf of the letter-carriers of this city and their comrade carriers of other cities where the free-delivery system is in operation, that by recent reductions in their respective salaries we think great injustice has been done them, which, in consideration of the important services of this numerous body of public servants, and to further the interests of the service itself, there should be some remedy speedily adopted by your honorable body.

We base our petition on the following indisputable facts: Letter-carriers are required to possess intelligence, to prove their fidelity and honesty and extreme endurance. Their hours of work are early and late, from which there is no relief, except by substitute labor at their own expense.

They are the only employees in the Department who are required to buy and keep in good order a "uniform suit" at an average cost of \$50 per year.

They are obliged to furnish bonds for the honest performance of their duties, and are, to a great extent, held responsible for the inaccuracies and delays incident to the free-delivery system.

With the necessity for all these "extras" (and more might be enumerated,) they receive and have received less pay, in proportion to the amount of work performed, than any other class of employees in the postal service.

A fair recognition of the duties performed by these public servants and just remuneration for them would tend to greatly advance this branch of the public service, by retaining efficient carriers and offering an inducement to other competent men to seek it and devote their lives to it.

We therefore, the undersigned petitioners, ask your honorable body to fix the rate of salary at \$1,000 per year, believing that their services are fully worth the amount mentioned.

Mr. THURMAN. I present similar petitions, one from letter-carriers of the city of Dayton asking legislation in reference to their compensation, and the other from citizens of Dayton in support of the petition of the letter-carriers. I move their reference to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. HAMLIN. I present a memorial signed by the letter-carriers of the city of Bangor, Maine, similar in its purport to those which have been already presented, in favor of relief in relation to their compensation. I also present a long petition signed by nearly all the business men in that city, in behalf of the same object. I move the reference of these petitions to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. OGLESBY presented the petition of Philip Smith and others, of